

MARCH 3, 2004 MEETING
374 HALL OF ADMINISTRATION
MINUTES

Present

Commissioners

Steven Afriat, President
Renee Campbell, Vice President
James Barger, Secretary
Sylvia Robledo

Absent

Diana Wood

County Representatives

Richard Townsend, County Counsel
Jonathan Geller, County Counsel
Allison Morse, County Counsel
Steve Jimenez, Treasurer-Tax
Joseph Dangerfield, Treasurer-Tax

Commission Staff

Gloria Williams
Steve Erickson

CALL TO ORDER

President Afriat called the meeting to order at 9:05 a.m. Following the Pledge of Allegiance, all applicants and witnesses were sworn prior to the hearing.

DISCUSSION WITH COUNTY COUNSEL REGARDING ENFORCEMENT OF COMMISSION APPROVED LICENSES

Richard Townsend and Allison Morse, County Counsel, spoke on legal processes and procedures for the Commission to approve, condition or deny licenses and explained the roles of various departments in the process. They went on to explain the Commission's role in evaluating information to reaching decisions. Mr. Townsend explained possible consequences for the County if the Commission's decisions are appealed, noting that the courts could find a commission was exercising abusive discretion if its decision wasn't based on evidence. Mr. Townsend also cautioned Commissioners against conducting site visits of businesses, noting that such visits are considered ex parte communications. Ms. Morse added that the departments rather than the Commission had the mandate to investigate businesses. Vice President

Campbell pointed out that other commissions such as the Regional Planning Commission conduct site visits. County Counsel indicated they would present additional information on the site visit issue at a later date.

DISCUSSION WITH COUNTY COUNSEL ON CHANGES IN THE ADULT BUSINESS ORDINANCE

Jonathan Geller, County Counsel, reviewed historical changes in the regulation of adult businesses, including recent changes in county ordinances regulating adult businesses. He also highlighted provisions in the three sections of the adult business license ordinance. Richard Townsend, County Counsel, spoke on limits in the Commission's discretion in evaluating, conditioning and denying adult business licenses. He also explained the public comment process prior to the Board of Supervisors' approval of the adult business license ordinance.

President Afriat indicated that County Counsel's opinion was that there was no conflict of interest if he participated in the hearings on adult businesses.

The Commission then discussed scheduling of several hearings on business licenses for adult businesses.

PUBLIC COMMENTS: There were none.

MATTERS NOT ON POSTED AGENDA (TO BE PRESENTED AND PLACED ON THE AGENDA FOR ACTION AT A FUTURE MEETING):

President Afriat announced he would be out of town for the next two Commission meetings.

COMMISSIONER COMMENTS: County Counsel indicated findings had been prepared on the Commission's decision to deny a peddler-commercial motor vehicle license.

(Commissioner Barger left the meeting.)

MINUTES

ACTION TAKEN: MINUTES of February 25, 2004 – Approved

Motion: President Afriat, seconded by Vice President Campbell

Vote: Unanimously carried

ADJOURNMENT

There being no further business the meeting was adjourned at 10:40 a.m.

Steven Afriat
President